

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name;

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR MINIMIZING SPECTRAL
INTERFERENCE DUE TO WITHIN AND BETWEEN SAMPLE VARIATIONS
DURING IN-SITU SPECTRAL SAMPLING OF TISSUE**

the specification of which (check one) is attached hereto, or _____ was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

=====

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

Yes No

Number Country Day/Month/Year Filed

Number Country Day/Month/Year Filed

=====

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

MICHAEL A. GLENN, Reg. No. 30,176
DONALD M. HENDRICKS, Reg. No. 40,355
KIRK WONG, Reg. No. 43,284
EARLE W. JENNINGS, Reg. No. 44,804
CHRISTOPHER PEIL, Reg. No. 45,005

SEND CORRESPONDENCE TO:

MICHAEL A. GLENN, 3475 Edison Way, Ste. L, Menlo Park, CA 94025

=====

I hereby claim the benefit under Title 35, United States code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|---|-------------------------------|--|
| <u>60/235,424</u> Application Ser. No. | <u>9/26/00</u> Filing Date | <u>Provisional - Pending</u> Status: Patented, Pending, Abandoned |
| <u>09/563,782</u> Application Ser. No. | <u>5/2/00</u> Filing Date | <u>Pending</u> Status: Patented, Pending, Abandoned |
| <u>09/631,440</u> Application Ser. No. | <u>8/2/00</u> Filing Date | <u>Pending</u> Status: Patented, Pending, Abandoned |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: MARCY MAKAREWICZ

Inventor's signature _____ Date _____

Residence 1375 N. Santa Anna Court, Chandler, AZ 85224

Post Office Address Same

Citizenship United States of America

Full name of second joint inventor: MUTUA MATTU

Inventor's signature _____ Date _____

Residence 119 W. Gail Drive, Gilbert, Arizona 85233

Post Office Address Same

Citizenship Kenya

Full name of third joint inventor: THOMAS B. BLANK

Inventor's signature _____ Date _____

Residence 2922 E. Tulsa, Chandler, AZ 85225

Post Office Address Same

Citizenship United States of America

Full name of fourth joint inventor: GEORGE ACOSTA

Inventor's signature _____ Date _____

Residence 1639 West Wildwood Drive, Phoenix, Arizona 85045

Post Office Address Same

Citizenship United States of America

Full name of fifth joint inventor: EDWARD HANDY

Inventor's signature _____ Date _____

Residence 1401 East Gail Drive, Chandler, Arizona 85225

Post Office Address Same

Citizenship United States of America

Full name of sixth joint inventor: WILLIAM HAY

Inventor's signature _____ Date _____

Residence 1115 N. Poplar Street, Gilbert, Arizona 85233-2715

Post Office Address Same

Citizenship United States of America

Full name of seventh joint inventor: TIMOTHY STIPPICK

Inventor's signature _____ Date _____

Residence 633 W. Southern Avenue, Unit 1104, Tempe, Arizona 85282

Post Office Address Same

Citizenship United States of America

Full name of eighth joint inventor: BENJAMIN RICHIE

Inventor's signature _____ Date _____

Residence 8315 East Lewis Avenue, Scottsdale, Arizona 85257

Post Office Address Same

Citizenship United States of America

Applicant or Patentee: Marcy Makarewicz, Mutua Mattu, Thomas B. Blank, George Acosta, Edward Handy, William Hay, Timothy Stippick, and Benjamin Richie

Serial No.: Unassigned Filing Date: Herewith

Patent No.: Issued:

For: Method and Apparatus for Minimizing Spectral Interference Due to Within and Between Sample Variations During In-Situ Spectral Sampling of Tissue

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(b) - SMALL BUSINESS CONCERN

I hereby declare that I am:

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Instrumentation Metrics, Inc.

ADDRESS OF CONCERN 7470 West Chandler Blvd, Chandler, Arizona 85226

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3 - 18 and reproduced in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: Method and Apparatus for Minimizing Spectral Interference Due to Within and Between Sample Variations During In-Situ Spectral Sampling of Tissue by inventor(s): Marcy Makarewicz, Mutua Mattu, Thomas B. Blank, George Acosta, Edward Handy, William Hay, Timothy Stippick, and Benjamin Richie described in:

the application filed herewith
 application serial no. _____, filed _____
 patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than an inventor, who could not qualify as a small business concern under 37 CFR 1.9(d), or by any concern that could not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

no such person, concern, or organization
 persons, concerns, or organizations listed below*

* NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

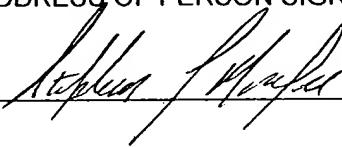
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Stephen L. Monfre

TITLE OF PERSON OTHER THAN OWNER Vice President of Research and Development

BUSINESS ADDRESS OF PERSON SIGNING 7470 West Chandler Blvd.

Chandler, Arizona 85226

SIGNATURE 

DATE 21 January 2001

00000000000000000000000000000000